

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

<b>APRIL DAWN BUTLER</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No.</b>
	)	
<b>v.</b>	)	<b>3:19-cv-763</b>
	)	
<b>LEXISNEXIS RISK SOLUTIONS INC.</b>	)	<b>COMPLAINT</b>
	)	
<b>Defendant.</b>	)	<b>JURY TRIAL DEMANDED</b>
	)	

**PRELIMINARY STATEMENT**

1. This is an action for damages brought by an individual consumer, April Dawn Butler, against the Defendant for violations of the Fair Credit Reporting Act (hereafter the “FCRA”).

**PARTIES**

2. Plaintiff April Dawn Butler is an adult individual residing in Knox, IN.

3. Defendant LexisNexis Risk Solutions, Inc. (“LexisNexis”) is a consumer reporting agency which regularly conducts business in the Northern District of Indiana and has a principal place of business at 1000 Alderman Drive, Alpharetta, GA 30005.

**JURISDICTION AND VENUE**

4. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. §§ 1331.

5. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

**FACTUAL ALLEGATIONS**

6. Defendant has been reporting derogatory and inaccurate statements about Plaintiff and Plaintiff's background and credit history to third parties from at least July 2019 through present.

7. The inaccurate information includes, but is not limited to a civil judgement, and inaccurate personal identifying information (herein after the "inaccurate information").

8. The inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit repayment histories, Plaintiff's financial responsibilities as a debtor and Plaintiff's credit worthiness.

9. The inaccurate information consists of inaccurate statements and personal information that does not belong to the Plaintiff, and that actually belongs to another consumer. Due to Defendant's faulty procedures, the Defendant mixed the credit file of Plaintiff with that of at least one other consumer who has a similar name.

10. Defendant has been reporting the inaccurate information through the issuance of false and inaccurate credit information and consumer credit reports that it has disseminated to various persons and credit grantors, both known and unknown from at least July 2019 to the present.

11. Plaintiff's credit reports and files have been obtained from Defendant and has been reviewed by prospective and existing credit grantors and extenders of credit, and the inaccurate information has been a substantial factor in precluding Plaintiff from receiving various credit offers and opportunities, both known and unknown.

12. As a result of Defendant's conduct, Plaintiff has suffered actual damages in the form of lost credit opportunities, denial of mortgage loan, harm to credit reputation and credit score, and emotional distress.

13. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of the Defendant herein.

14. At all times pertinent hereto, the conduct of Defendant, as well as that of its agents, servants and/or employees, was malicious, intentional, willful, reckless, and in grossly negligent disregard for federal and state laws and the rights of the Plaintiff herein.

**COUNT I**  
**LEXISNEXIS VIOLATIONS OF THE FCRA**

15. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

16. At all times pertinent hereto, Defendant was a "person" and "consumer reporting agency" as those terms are defined by 15 U.S.C. § 1681a(b) and (f).

17. At all times pertinent hereto, the Plaintiff was a "consumer" as that term is defined by 15 U.S.C. § 1681a(c).

18. At all times pertinent hereto, the above-mentioned credit report was a "consumer report" as that term is defined by 15 U.S.C. § 1681a(d).

19. Pursuant to 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, Defendant are liable to the Plaintiff for willfully and negligently failing to employ and follow reasonable procedures to assure maximum possible accuracy of Plaintiff's credit report, information and file, in violation of 15 U.S.C. § 1681e(b).

20. The conduct of Defendant was a direct and proximate cause, as well as a substantial factor, in bringing about the serious injuries, actual damages and harm to the Plaintiff that are outlined more fully above and, as a result, Defendant is liable to the Plaintiff for the full amount of statutory, actual and punitive damages, along with the attorneys' fees and the costs of litigation, as well as such further relief, as may be permitted by law.

**JURY TRIAL DEMAND**

21. Plaintiff demands trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and damages against the Defendant, based on the following requested relief:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Punitive damages;
- (d) Costs and reasonable attorney's fees; and
- (e) Such other and further relief as may be necessary, just and proper.

Respectfully submitted,  
**APRIL DAWN BUTLER**

By: /s/ Larry P. Smith  
Attorney for Plaintiff

Dated: August 23, 2019

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